

AMENDED IN SENATE JULY 9, 2003

AMENDED IN ASSEMBLY APRIL 24, 2003

AMENDED IN ASSEMBLY APRIL 21, 2003

AMENDED IN ASSEMBLY MARCH 28, 2003

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

ASSEMBLY BILL

No. 25

Introduced by Assembly Member Nunez
~~(Coauthor: Assembly Member Leno)~~ (Coauthors: Assembly
Members Laird, Lieber, Longville, Maze, and Parra)
(Coauthors: Senators Cedillo, Ducheny, Escutia, Kuehl, and
Romero)

December 2, 2002

An act to amend Section 22430 of the Business and Professions Code, to add Article 2.5 (commencing with Section 11024) to Chapter 1 of Part 1 of Division 3 of Title 2 of the Government Code, and to amend Section 112 of the Penal Code, relating to government documents.

LEGISLATIVE COUNSEL'S DIGEST

AB 25, as amended, Nunez. State agencies: identification cards.

(1) Existing law authorizes the Department of Motor Vehicles to issue an identification card to any citizen resident in the state or to any other resident of the state who submits satisfactory proof that his or her presence in the United States is authorized under federal law.

This bill would require state agencies to accept as valid identification of a person, a photo identification card issued by another nation, as

defined, to its citizens or nationals, subject to specified exceptions, if specified requirements are met.

The bill would also require the head of each state agency to issue appropriate notification and instructions to members of the agency of these requirements.

(2) Existing law prohibits a deceptive identification document, as defined, from being manufactured, sold, offered for sale, furnished, offered to be furnished, transported, offered to be transported, imported, or offered to be imported into this state unless a statement is printed across the face of the document stating that the document is not a government document and the name of the manufacturer is printed on the document. A person who violates this provision and who knows or reasonably should know that the document will be used for fraudulent purposes is guilty of a crime punishable as prescribed.

Existing law provides that any person who manufactures or sells any false government document, as defined, with the intent to conceal the true citizenship or resident alien status of another person is guilty of a misdemeanor, punishable as prescribed.

This bill would include, within the definitions of deceptive identification document and governmental document, a document issued by another nation. By expanding the scope of existing crimes, the bill would impose a state-mandated local program.

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 22430 of the Business and Professions
- 2 Code is amended to read:
- 3 22430. (a) No deceptive identification document shall be
- 4 manufactured, sold, offered for sale, furnished, offered to be
- 5 furnished, transported, offered to be transported, or imported or
- 6 offered to be imported into this state unless there is diagonally
- 7 across the face of the document, in not less than 14-point type and



1 printed conspicuously on the document in permanent ink, the
2 following statement:

3
4 NOT A GOVERNMENT DOCUMENT
5

6 and, also printed conspicuously on the document, the name of the
7 manufacturer.

8 (b) As used in this section, “deceptive identification
9 document” means any document not issued by a governmental
10 agency of this state, another state, the federal government, or
11 another nation, which purports to be, or which might deceive an
12 ordinary reasonable person into believing that it is, a document
13 issued by ~~such an~~ the agency, including, but not limited to, a
14 driver’s license, identification card, birth certificate, passport, or
15 social security card.

16 (c) Any person who violates or proposes to violate this section
17 may be enjoined by any court of competent jurisdiction. Actions
18 for injunction under this section may be prosecuted by the
19 Attorney General or any district attorney in this state in the name
20 of the people of the State of California upon their own complaint
21 or upon the complaint of any person.

22 (d) Any person who violates the provisions of subdivision (a)
23 who knows or reasonably should know that the deceptive
24 identification document will be used for fraudulent purposes is
25 guilty of a crime, and upon conviction therefor, shall be punished
26 by imprisonment in the county jail not to exceed one year, or by
27 imprisonment in the state prison.

28 SEC. 2. Article 2.5 (commencing with Section 11024) is
29 added to Chapter 1 of Part 1 of Division 3 of Title 2 of the
30 Government Code, to read:

31
32 Article 2.5. Identification
33

34 11024. When requiring members of the public to provide
35 identification, each state agency shall accept as valid identification
36 of a person, a photo identification card issued by a foreign nation,
37 other than a nation designated by the United States Secretary of
38 State as a state sponsor of terrorism, to its citizens or nationals, if
39 all of the following requirements are met:

1 (a) The issuing nation authorizes the use of the card as an
2 alternative to a passport for reentry into the issuing nation.

3 (b) The card has a photograph of the person and, at a minimum,
4 the person's full name, date of birth, height, weight, gender, hair
5 color, eye color, place of birth, and nationality.

6 (c) The card meets all of the following standards:

7 ~~(1) The card has features reasonably designed to protect against~~
8 ~~fraud and counterfeit reproduction, including, but not limited to,~~
9 ~~a digitized image of the person's right thumbprint that meets~~
10 ~~standards approved by the National Institute of Standards and~~
11 ~~Technology (NIST) in the United States Department of~~
12 ~~Commerce. If the right thumbprint is unavailable, then the left~~
13 ~~thumbprint shall be substituted. The Department of Justice shall~~
14 ~~establish the storage medium of the digitized image of the person's~~
15 ~~thumbprint in compliance with standards approved by NIST.~~

16 ~~(2) Law enforcement officials can easily verify the information~~
17 ~~on the identification card.~~

18 *(1) The card has features reasonably designed to protect*
19 *against fraud and counterfeit reproduction that meet minimum*
20 *fraud and counterfeit reproduction standards required for a state*
21 *identification card to establish identity in this state.*

22 *(2) Law enforcement officials can easily verify the authenticity*
23 *of the card.*

24 (d) In order to obtain a card that meets the requirements of this
25 section, an applicant was required to provide reliable identifying
26 information in order to obtain the card, including background
27 information that can be verified to prove that the documents that
28 were submitted are legitimate.

29 11026. This article shall not apply under circumstances where
30 a federal or state statute, administrative regulation or directive, or
31 court decision requires the state agency to obtain different
32 identification, a federal or state statute or administrative regulation
33 or directive preempts state regulation of identification
34 requirements, or the state agency would be unable to comply with
35 a condition imposed by a funding source that would cause the state
36 to lose funds from that source.

37 11027. (a) Nothing in this article is intended to prohibit state
38 agencies from doing either of the following:

39 (1) Asking for additional information from individuals in order
40 to verify a current address or other facts that would enable the

agency to fulfill its responsibilities. However, this paragraph does not authorize a state agency to require additional information in order to establish identification of the person.

(2) Using fingerprints for identification purposes under circumstances where the state agency also requires fingerprints from persons who have a driver's license or state identification card pursuant to Article 5 (commencing with Section 13000) of Chapter 1 of Division 6 of the Vehicle Code.

(b) No state agency is required to accept an identification card under this article if it has reasonable grounds for determining that the identification card provided by an individual is counterfeit, altered, improperly issued to the cardholder, or otherwise not an accurate identification.

11028. (a) The head of each state agency shall issue appropriate notification and instructions to members of the agency of the requirements of this article.

(b) Where there is a conflict between this article and any other provision of law in effect at the time that this article is enacted, the provisions of this article shall prevail.

(c) In undertaking the adoption and enforcement of this article, the state is assuming an undertaking only to promote the general health and welfare of its residents. The state is not assuming, nor is it imposing on state officers and employees, an obligation for any breach of any requirements pursuant to this article for which the state is liable in money damages to any person who claims that the breach proximately caused injury *except as provided in subdivision (d) of this section*.

(d) *A Matricula Consular may only be used for the same purposes as the California identification card. Use by local agencies or officials of information collected from, or appearing on, a Matricula Consular shall be subject to the same privacy and disclosure limitations that apply to the California identification card.*

11028.5. It is the intent of the Legislature, in enacting this article, to promote homeland security by enhancing security measures on identification cards issued to foreign nationals by their consular offices.

11029. The provisions of this article are severable. If any provision of this article or its application is held invalid, that

1 invalidity shall not affect other provisions or applications that can
2 be given effect without the invalid provision or application.

3 SEC. 3. Section 112 of the Penal Code is amended to read:

4 112. (a) Any person who manufactures or sells any false
5 government document with the intent to conceal the true
6 citizenship or resident alien status of another person is guilty of a
7 misdemeanor and shall be punished by imprisonment in a county
8 jail for one year. Every false government document that is
9 manufactured or sold in violation of this section may be charged
10 and prosecuted as a separate and distinct violation, and
11 consecutive sentences may be imposed for each violation.

12 (b) A prosecuting attorney shall have discretion to charge a
13 defendant with a violation of this section or any other law that
14 applies.

15 (c) As used in this section, “government document” means
16 any document issued by the United States government, any state
17 or local government, or another nation, including, but not limited
18 to, any passport, immigration visa, employment authorization
19 card, birth certificate, driver’s license, identification card, or
20 social security card.

21 SEC. 4. No reimbursement is required by this act pursuant to
22 Section 6 of Article XIII B of the California Constitution because
23 the only costs that may be incurred by a local agency or school
24 district will be incurred because this act creates a new crime or
25 infraction, eliminates a crime or infraction, or changes the penalty
26 for a crime or infraction, within the meaning of Section 17556 of
27 the Government Code, or changes the definition of a crime within
28 the meaning of Section 6 of Article XIII B of the California
29 Constitution.

